



Crl.O.P.No.15319 of 2023

Crl.O.P.No.15319 of 2023

G.CHANDRASEKHARAN. J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 420 IPC in Crime No.114 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that, petitioner is falsely implicated in this case in Crime No.114 of 2023 for the offences under Section 420 IPC. Petitioner and defacto complainant are SBI agents. Petitioner has illicit relationship with her. To escape from defacto complainant's husband, she gave a false complaint against the petitioner. In support of his submission, he has produced photographs showing the petitioner and the defacto complainant. Apprehending arrest at the hands of the respondent, this petition is filed.

3. Learned Government Advocate (Criminal side), opposes this petition, on the ground that, petitioner approached the defacto complainant for the purpose of obtaining loan. Defacto complainant insisted him to come with necessary documents. At about 12.00 p.m., on 20.07.2022, when



CrI.O.P.No.15319 of 2023

WEB COPY

defacto complainant was preparing for taking bath, she placed her thali chain weighing 12 sovereigns on the table. At that time, petitioner came and asked her water. When defacto complainant went inside the house to fetch water, petitioner had stolen the 12 sovereigns thali chain. Thus, he prays for dismissal of this petition.

4. Considered the submissions and perused the records.

5. From the first information allegations, it is seen that, defacto complainant saw the petitioner only on 20.07.2022. However, photographs shown by the learned counsel for the petitioner, show that, defacto complainant and petitioner are known to each other, even prior to the alleged date of incident. In such circumstances, this Court is of the view that, there is a serious doubt, as to the allegations made in the first information report.

6. Considering the nature of allegations made against the petitioner and that the material part of the investigation might have been over by this time, this Court is of the view that, custodial interrogation of the petitioner is not necessary and the petitioner is ordered to be released on bail in the event



CrI.O.P.No.15319 of 2023

WEB COPY

of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Metropolitan Magistrate No.XXIII, Saidapet**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties** each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

G.CHANDRASEKHARAN. J.



Crl.O.P.No.15319 of 2023

gd

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

13.07.2023

gd

Crl.O.P.No.15319 of 2023